United Nations CAC/COSP/IRG/2018/L.1/Add.9

Conference of the States Parties to the United Nations Convention against Corruption

Distr.: Limited
5 September 2018

Original: English

Implementation Review Group
First resumed ninth session
Vienna, 3–5 September 2018

Draft report of the Implementation Review Group on its first resumed ninth session, held in Vienna from 3–5 September 2018

Addendum

III. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

1. A representative of the secretariat provided an update on the progress made in the country reviews of the first and second review cycles. With regard to the first review cycle, she highlighted that, at the time of reporting, 179 States parties under review had submitted their responses to the self-assessment checklist, 171 direct dialogues (158 country visits and 13 joint meetings) had taken place, and 164 executive summaries had been finalized. The finalization of several other executive summaries was imminent. The representative of the secretariat also provided to the Group information on the languages used in country reviews conducted during the first cycle and, in this context, referred to the limited ability to draw meaningful conclusions from such an analysis in view of several factors, such as the random nature of the drawing of lots, the possible results of efforts to avoid reviews conducted in more than one language, the size of the respective regional groups and the number of languages used by members of those groups.

2. Regarding the second review cycle, the representative informed the Group that all the 77 States parties under review in the first and second years of the second cycle, had nominated their focal points. Furthermore, during the first two years of the second cycle, 58 States had submitted responses to the self-assessment checklist, and 51 direct dialogues (50 country visits and one joint meeting) had taken place, while several other country visits were at various stages of planning. At the time of reporting, eleven executive summaries had been finalized and several additional executive summaries were being completed. Owing to the organization of training events at early stages of the review cycle, the majority of States parties under review in the second and third years of the second cycle had nominated their focal points well before the start of their reviews, and States parties had the opportunity to engage in early preparation of their self-assessment checklists.

3. During the Group's 9th Session in June 2018, the Secretariat had highlighted how the number of reviews finalised under the second cycle remained insufficient to

Please recycle

allow for a more in-depth analysis. The representative of the Secretariat underscored how the delays encountered primarily in the second year of the second review cycle continued to remain a source of concern. Only five new self-assessment checklists had been received since the Group's ninth session in June and two new executive summaries had been published. The secretariat once again urged States parties to make a greater effort to adhere to the timelines set forth in the Terms of Reference of the Mechanism.

4. During the ensuing debate, several speakers expressed their commitment to the Implementation Review Mechanism and noted their countries' continued efforts to move forward with their respective reviews. Several speakers highlighted the role of the Mechanism in assisting States in identifying shortcomings and good practices and in enhancing international cooperation. Some speakers noted that, although the task of filling out the self-assessment checklist was challenging and time consuming, which contributed to the delays in the reviews, such issues could be resolved within the existing framework. Reference was made to the level of the government at which the completed self-assessment checklists were being validated, including ministerial level committees, as well as presidential validation. Some speakers expressed the view that validation of the information at the highest possible level could be considered as a good practice as it manifested the commitment of the Government to the full implementation of the Convention and the Mechanism. Many speakers expressed their appreciation for the efforts of the Secretariat to advance the review process and to facilitate the finalization of country review reports.

5. The uniqueness of the Convention and of its Implementation Review Mechanism, which has been established as an important tool in facilitating the effective implementation of the Convention, was highlighted. A number of speakers reiterated the importance of the guiding principles of the Mechanism in building trust and confidence and referred, in particular, to its intergovernmental nature, integrity, impartiality and technical nature as being key to the success of the Mechanism. In this regard, one speaker referred to the importance of adhering to the principle of non-interference in the domestic affairs of States parties.

6. Speakers emphasized the peer review aspect of the process as also being critical to the Mechanism's continued success and urged States to ensure the nomination of experts with relevant expertise to conduct the reviews. Most speakers noted the roles of their States as both reviewing States parties and States parties under review as being mutually reinforcing. One speaker stressed that it is the task of the reviewing States parties to evaluate compliance and reminded the States parties under review to provide timely, accurate and clear information so as to ensure that reviews accurately capture accomplishments and technical assistance needs. A number of speakers also encouraged States to finalize and/or publish their full reports and self-assessment checklist on the UNODC website.

7. Several speakers explained how their States had established special national follow-up committees and inter-institutional coordination networks to monitor and ensure the follow-up and implementation of the recommendations stemming from their reviews. One speaker indicated that, although his country's review was still in the final stages, a public debate had already been scheduled to share the findings with the public and national institutions. Another speaker suggested that a specific panel discussion be organized on the technical assistance that had been sought or provided in following up on such recommendations. Another speaker encouraged States parties to continue implementing recommendations emanating from their country reviews conducted in the first cycle and noted that technical assistance may be required by those States in this regard.

8. Several speakers noted the importance of the Convention as a legal basis for seeking international cooperation. One speaker explained how his country viewed the second cycle of the Mechanism as paving the way for enhanced asset recovery through international cooperation and technical assistance. Several regional anti-corruption events were mentioned as examples of joint anti-corruption efforts,

including inter alia the Arab Integrity and Anti-corruption Network, which met in Baghdad on 30 June 2018; the African Union "African anti-corruption year" and the meeting in Nouakchott in June 2018; and, the newly established European Union integrity network. The importance of enhancing synergies among the various review mechanisms was also referred to by a number of speakers. One speaker explained how her country had urged the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC) to enhance synergies with the various anti-corruption review mechanisms. The importance of achieving the 2030 Agenda for Sustainable Development, in particular of its Goal 16, in the context of anti-corruption efforts, was highlighted by some speakers.

9. One speaker recommended that the secretariat continue the practice of allotting a full day to the civil society briefing held on the margins of the Group in line with resolution 4/6 of the Conference of the States Parties and expressed the view that civil society participation during the meetings of the Group during its consideration of the item on technical assistance on its agenda could be a positive step to building confidence and allow States parties to benefit from the expertise of those organizations providing on-the-ground assistance.

10. One speaker suggested that, in future, in order to focus the substantive deliberations of the Group, the secretariat send to States parties substantive questions or subjects on which it would wish to seek comments or proposals from States.

11. The Secretary of the Conference acknowledged with gratitude the appreciation that States had expressed for the work undertaken by the secretariat in support of the Implementation Review Mechanism. He noted that the Group was paving the way towards examining the performance of the Mechanism in more detail, a process, which required more information, with the pace, to date, having largely been established by the reviews conducted in the first cycle. He also noted that the Mechanism's foundational documents defined the objectives that needed to be achieved and that an initial analysis of the performance of the Mechanism needed to take those objectives into account. He acknowledged that the limited information which was currently available as regards country reviews during the second cycle was due to the complexity and wider scope of Chapters II and V of the Convention. Furthermore, the Secretary noted that the calls on States parties under the review and reviewing States parties had not yielded sufficient results and stressed the need to adhere to the indicative timelines contained in the Terms of Reference.